

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO, EASTERN DIVISION - AKRON

In re:) CASE NO. 17-52534
JOAN O. ISAAC)
Debtors) CHAPTER 13
) JUDGE ALAN M. KOSCHIK
)
) OBJECTION TO CONFIRMATION
) OF DEBTOR'S CHAPTER 13 PLAN
)
) (Property Located at:
) 9882 Pebble Beach Cove,
) Aurora, OH 44202)

NOW COMES, Aurora Shores Homeowners Association, Inc. (hereinafter referred to as "Movant"), a secured creditor of the Debtors and objects to the confirmation of the Chapter 13 Plan filed herein on the following grounds:

1. The plan does not comply with the provisions of 11 U.S.C. §1322(a)(2) and with other applicable provisions of said Title 11 in that;
 - A. The Debtor's plan fails to identify Movant as a secured creditor to be paid current monthly payments directly by debtor with the arrearage of \$1,724.76 to be paid by the Trustee. A copy of the Proof of Claim of Movant is attached hereto as Exhibit "A". Aurora Shores Homeowners Association, Inc.'s total annual maintenance fees and assessments, subject to adjustment, are currently \$550.00 per year (for 2018 fiscal year). Aurora Shores Homeowners Association, Inc. respectfully requests that the plan, if confirmed, be modified to recognize the secured debt and to require payment of the post-petition annual maintenance fees outside the plan.

2. Debtor's Plan does not comply with 11 U.S.C. §1322(b)(5) in that its provision for curing of prepetition delinquencies does not constitute curing such delinquencies "within a reasonable time."

WHEREFORE, Aurora Shores Homeowners Association, Inc. prays that confirmation of Debtor's Chapter 13 plan be denied.

Respectfully submitted

KAMAN & CUSIMANO, LLC

/s/ Shannon M. McCormick
Darcy Mehling Good (0068249)
Shannon M. McCormick (0084855)
50 Public Square, Suite 2000
Cleveland, OH 44113
(216) 696-0650 / FAX (216) 771-8478
Attorneys for Movant

CERTIFICATE OF SERVICE

I certify that on December 21, 2017, a true and correct copy of Objection to Confirmation of Debtor's Chapter 13 Plan was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Whitney E. Kaster, Esq., on behalf of Joan O. Isaac, debtor, at notices@dannlaw.com

Keith Rucinski, Esq., *Chapter 13 Trustee*, at krucinski@ch13akron.com

Daniel M. McDermott, Esq., *U.S. Trustee*, at ustregisteredmailbox@usdoj.gov and at ustpregion09.cl.ecf@usdoj.gov

And by regular U.S. mail, postage prepaid, on:

Joan O. Isaac, 9882 Pebble Beach Cove, Aurora, OH 44202
Debtor

/s/ Shannon M. McCormick
Darcy Mehling Good (0068249)
Shannon M. McCormick (0084855)
KAMAN & CUSIMANO, LLC
50 Public Square, Suite 2000
Cleveland, OH 44113
(216) 696-0650 / FAX (216) 771-8478
bankruptcy@kamancus.com

U.S. Bankruptcy Court
Northern District of Ohio

Notice of Electronic Claims Filing

The following transaction was received from McCormick, Shannon on 12/21/2017 at 2:45 PM EST

File another claim

Case Name: Joan O. Isaac
Case Number: 17-52534-amk
Creditor Name: Aurora Shores HOA
c/o Kaman & Cusimano, LLC
50 Public Square, Suite 2000
Cleveland, OH 44113
Claim Number: 5 Claims Register
Amount Claimed: \$1724.76
Amount Secured: \$1724.76
Amount Priority:

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: aurora shores - isaac - poc (efile) 12-21-17.PDF

Electronic document Stamp:

[STAMP bkecfStamp_ID=985901243 [Date=12/21/2017] [FileNumber=48080478-0] [9dee9a41834e033530aad8473b176abddcd9fe575d64592f81e5d0962fda65aa8a96686e38c8bad6454e738d64e169e7ed2d4043464d8f4efa5e2abcb69f9c78]]

17-52534-amk Notice will be electronically mailed to the U.S. Trustee, and:

Whitney Kaster on behalf of Debtor Joan O. Isaac
wkaster@dannlaw.com,
notices@dannlaw.com;bflick@dannlaw.com;brittany@dannlaw.com;edwardo@dannlaw.com

Keith Rucinski
efilings@ch13akron.com, krucinski@ecf.epiqsystems.com

17-52534-amk Notice will not be electronically mailed to:

Nationstar Mortgage LLC d/b/a Mr. Cooper

,

PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541



Fill in this information to identify the case:

Debtor 1 Joan O. Isaac

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of Ohio

Case number 17-52534-amk

Official Form 410

Proof of Claim

04/16

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?	Aurora Shores HOA Name of the current creditor (the person or entity to be paid for this claim)		
	Other names the creditor used with the debtor _____		
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____		
3. Where should notices and payments to the creditor be sent?	Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)	
Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	c/o Kaman & Cusimano, LLC Name 50 Public Square, Suite 2000 Number Street Cleveland OH 44113 City State ZIP Code Contact phone 216-696-0650 Contact email bankruptcy@kamancus.com	Name Number Street City State ZIP Code Contact phone _____ Contact email _____	
Uniform claim identifier for electronic payments in chapter 13 (if you use one): -----			
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY		
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____		

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: <u>9 8 8 2</u>
7. How much is the claim?	\$ <u>1,724.76</u> . Does this amount include interest or other charges? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).
8. What is the basis of the claim?	Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information. <u>see attached Basis for Claim</u>
9. Is all or part of the claim secured?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. The claim is secured by a lien on property. Nature of property: <input checked="" type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> . <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Other. Describe: _____
	 Basis for perfection: _____ Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)
	 Value of property: \$ _____ Amount of the claim that is secured: \$ <u>1,724.76</u> Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)
	 Amount necessary to cure any default as of the date of the petition: \$ <u>1,724.76</u>
	 Annual Interest Rate (when case was filed) <u>8.00</u> % <input checked="" type="checkbox"/> Fixed <input type="checkbox"/> Variable
10. Is this claim based on a lease?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition: \$ _____
11. Is this claim subject to a right of setoff?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?	<input checked="" type="checkbox"/> No	
	<input type="checkbox"/> Yes. Check one:	
A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.	<input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). \$ _____	
	<input type="checkbox"/> Up to \$2,850* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7). \$ _____	
	<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,850*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4). \$ _____	
	<input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8). \$ _____	
	<input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5). \$ _____	
	<input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)(_____) that applies. \$ _____	

* Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it.
FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both.
18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- I am the creditor.
- I am the creditor's attorney or authorized agent.
- I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 12/21/2017
MM / DD / YYYY

/s/ Shannon M. McCormick

Signature

Print the name of the person who is completing and signing this claim:

Name	<u>Shannon M. McCormick</u>		
	First name	Middle name	Last name
Title	<u>Attorney</u>		
Company	<u>Kaman & Cusimano, LLC</u>		
	Identify the corporate servicer as the company if the authorized agent is a servicer.		
Address	<u>50 Public Square, Suite 2000</u>		
	Number	Street	
	<u>Cleveland</u>		<u>OH</u>
	City	State	ZIP Code
Contact phone	<u>216-696-0650</u>		Email <u>bankruptcy@kamancus.com</u>

Homeowner Transaction History
Aurora Shores
Account#: 1003097201

George Joyner or Joan Isaac
9882 Pebble Beach Cove
Aurora, OH 44202

Property Address
9882 Pebble Beach Cove
Aurora, OH 44202

Posting Date	Posting Code	Description	Notation	Ref #	Amount	Open Amount	Balance
5/1/2015	other	other		arf in yardi	\$54.87	\$54.87	\$54.87
6/1/2015	late	late		Late Fees	\$3.88	\$3.88	\$58.75
6/1/2015	late	late		Late Fees	\$2.90	\$2.90	\$61.65
7/1/2015	late	late		Late Fees	\$6.00	\$6.00	\$67.65
7/1/2015	lgl	lgl			\$17.50	\$17.50	\$85.15
8/1/2015	late	late		Late Fees	\$3.66	\$3.66	\$88.81
9/1/2015	late	late		Late Fees	\$3.66	\$3.66	\$92.47
10/1/2015	late	late		Late Fees	\$2.74	\$2.74	\$95.21
11/1/2015	late	late		Late Fees	\$2.74	\$2.74	\$97.95
12/1/2015	late	late		Late Fees	\$2.05	\$2.05	\$100.00
1/1/2016	late	late		Late Fees	\$2.03	\$2.03	\$102.03
2/1/2016	late	late		Late Fees	\$1.90	\$1.90	\$103.93
4/1/2016	late	late		Late Fees	\$1.90	\$1.90	\$105.83
4/1/2016	hoa	hoa		Monthly HOA Fees	\$550.00	\$550.00	\$655.83
6/1/2016	late	late		Late Fees	\$3.66	\$3.66	\$659.49
7/1/2016	late	late		Late Fees	\$3.66	\$3.66	\$663.15
8/1/2016	late	late		Late Fees	\$3.66	\$3.66	\$666.81
9/1/2016	late	late		Late Fees	\$3.66	\$3.66	\$670.47
10/1/2016	late	late		Late Fees	\$3.66	\$3.66	\$674.13
11/1/2016	late	late		Late Fees	\$3.66	\$3.66	\$677.79
12/23/2016	lgl	Legal/Court Fees		Invoice 55577	\$380.00	\$380.00	\$1,057.79
1/27/2017	late	Interest on past due account		December & January I	\$7.32	\$7.32	\$1,065.11
3/2/2017	late	Interest on past due account		February Interest	\$3.66	\$3.66	\$1,068.77
4/1/2017	hoa	HOA Annual Dues			\$550.00	\$550.00	\$1,618.77
7/12/2017	lgl	Legal/Court Fees		Invoice 63254	\$47.50	\$47.50	\$1,666.27
7/12/2017	lgl	Legal/Court Fees		Invoice 63254	\$47.50	\$47.50	\$1,713.77
8/29/2017	late	Interest on past due account			\$3.67	\$3.67	\$1,717.44
9/28/2017	late	Interest on past due account			\$7.32	\$7.32	\$1,724.76

**JOAN O. ISAAC
Chapter 13 Bankruptcy
Case No. 17-52534**

BASIS FOR CLAIM

Secured claim for unpaid annual assessments pursuant to Ohio Rev. Code §5312, due non-profit homeowners' association for utilities and maintenance services provided to property owned by Debtor. Claim **secured** by lien recorded against property for non-payment of pro-rata share of common expenses of association, a copy of which lien is attached hereto as Exhibit "A".

Summit/Portage County Court of Common Pleas Foreclosure Case No. CV-2016-11-4665 filed November 3, 2016 stayed by within Chapter 13 Bankruptcy filed on October 24, 2017.

AURORA SHORES HOMEOWNERS ASSOCIATION, INC.
CERTIFICATE OF LIEN

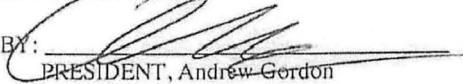
Pursuant to §5312.11 and §5312.12 of the Ohio Revised Code and Pursuant to Article VIII, Section 10 of the Covenants and Restrictions of Record for Aurora Shores Homeowners Association, Inc., filed for record on September 28, 1970, in Volume 5067, Page 310, et seq. of Summit County Records, the undersigned, Aurora Shores Homeowners Association, Inc., hereby claims a lien for unpaid assessments to date against the following lot in said Association Property and the undivided interest in the Common Elements appertaining thereto:

Owner: George L. Joyner, Jr., Karyl Isaac-Joyner & Joan O. Isaac
Address: 9882 Pebble Beach Cove, Aurora, Ohio 44202
PPN: 6600148

Amount of Lien: \$438.05 plus interest at 8% per annum from the 20th of January, 2015, and in accordance with §5312.12, this lien is a continuing lien upon the lot referenced herein, subject to automatic subsequent adjustments reflecting additional unpaid assessments, interest, late fees, enforcement assessments, collection costs, attorney fees, paralegal fees and court costs.

IN WITNESS WHEREOF, Aurora Shores Homeowners Association, Inc., has caused this Certificate of Lien to be executed by its duly authorized officer, this 14th day of February, 2015.

AURORA SHORES HOMEOWNERS
ASSOCIATION, INC.

BY: 
PRESIDENT, Andrew Gordon

STATE OF OHIO)
COUNTY OF Summit): ss

VERIFICATION

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named Andrew Gordon, personally known to me, who acknowledged that he did sign the foregoing Certificate of Lien and that the same is his free act and deed.


Nuala Newberry
Notary Public
Nuala Newberry
Resident Summit County
Notary Public, State of Ohio
My Commission Expires: 11/21/2019

11/21/2019

Instrument Prepared By:
Ott & Associates Co., LPA
1300 East 9th Street, Suite 1520
Cleveland, Ohio 44114
(216) 771-2600

THE CLAIM SECURED BY THIS LIEN HAS BEEN PAID AND THE LIEN IS
HEREBY SATISFIED AND DISCHARGED.

DATE: _____

AURORA SHORES HOMEOWNERS
ASSOCIATION, INC.

BY: _____
PRESIDENT

